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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,185	06/09/2005	Kelvin Wong	3157	2256

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

02/21/2007

EXAMINER

HAMILTON, ISAAC N

ART UNIT

PAPER NUMBER

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/538,185

Applicant(s)

WONG, KELVIN

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: table saw 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because on line 13, "(Figure 1)" should be deleted. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: there should be no reference to the claims in the specification, therefore, "Claim 1" on page 1, lines 6 and 22, should be deleted; page 4, line 30, "elongated holes 30" should be changed to --elongated holes 38--.

Appropriate correction is required.

Claim Objections

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4. Claims 4-6 and 8 are objected to because of the following informalities: Claim 4 recites "the side wall" in line 3, and since there is no antecedent basis for this limitation it should be changed to --a side wall of the guard--; Claim 5 recites "the side wall" in line 6, and since there is no antecedent basis for this limitation it should be changed to --a side wall of the guard--; Claim 6 recites "the elongated holes" in line 3, and since there is no antecedent basis for this limitation it should be changed to --elongated holes--; Claim 6 recites "the diametrically opposed side wall" in line 4, and since there is no antecedent bases for this limitation it should be changed to --a diametrically opposed side wall--; Claim 6, line 3, "guard" should be changed to --the guard--; Claim 8, lines 3-4, "the elongated holes" should be changed to --elongated holes-- due to the lack of antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 7, 9 and 10, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by James (1,879,280). James discloses a table saw in figures 1-3; table top is at the top surface of table T; saw blade S; guard 8, 9, 10, 10', 11, 12, 12', 1, 2, 3, 4, 5, 30, 31, 31', 32, 24, 25, 26, 16, 15, 15', 13 covers the upper region of the saw blade S as shown in figures 1-3; the guard is height adjustable relative to the saw blade as shown in figure 3 by the guard shown in phantom lines in an upper position (page 3, lines 66-75) that is higher than the lower position shown in regular lines; saw blade S is angularly displaceable relative to the table top as shown in figure 3; gap forms between the table top and the guard inherently when it is angularly displaced; protective panel 1; the gap closes automatically when it forms as recited on page 3, lines 76-97; the protective panel bears with its narrow side against the table top and tries to remain due to its natural weight as shown in figure 3 and as recited on page 3, lines 76-97; the protective plate is fastened via side wall elements 16, 15, 15', 13 to the side wall of the guards, which is the outer surfaces of element 7, as shown in figure 5; the protective plate is supported via side wall elements 16, 15, 15', 13 on the side wall of the guard, which is the outer surfaces of element 7, as shown in figure 5; elongated holes 12 extend substantially perpendicular to the table top as shown in figures 1 and 2, and function as guide channels for a guided parallel displacement of the protective panel as shown in figures 1 and 2; guide bolt with bolt heads 16; the guard is adjustable to the dimensions of work pieces having different dimensions to be guided between the guard and the table top and sawed as recited on page 3, lines 39-59; gliding ribs 15' extend parallel to the elongated holes 12 in the protective panel as shown in figures 4 and 5.

Claim Rejections - 35 USC § 103.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Green (3,880,032). James discloses everything as noted above, but does not disclose that the guard is made of transparent plastic. However, Green teaches making the guard out of transparent plastic in column 2, lines 28 and 29. It would have been obvious to make the guard in James out of transparent plastic as taught by Green in order to observe the workpiece during the sawing operation.

Allowable Subject Matter

10. Claim 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The claims define a table saw with a guard, wherein the guard has a protective plate fastened to a side wall of the guard. The protective plate has an offset tab that extends transverse and parallel to elongated holes in the protective plate and through the side wall of the guard to a diametrically opposed sidewall of the guard. Sherwen et al (3,043,353) teaches a table saw with a guard that has an offset tab that extends from one side wall of the guard to a diametrically opposed sidewall of the guard, but does not disclose the offset tab extending transverse and parallel to elongated holes in the protective plate and through the side wall of the guard. It

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would not have been obvious to combine Sherwen et al with the references above or other prior art teachings in order to meet the claim limitations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ocenask is cited for protective plates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

February 20, 2007



**KENNETH E. PETERSON
PRIMARY EXAMINER**